

SENATE, No. 3628

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED SEPTEMBER 19, 2024

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Requires employer to disclose information concerning leave eligibility in hiring package.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning leave eligibility and supplementing Title 34 of
2 the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. At the time that an employer makes an offer of
8 employment to an applicant, the employer shall disclose, in writing,
9 information concerning the applicant's eligibility for leave under
10 the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the
11 federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29
12 U.S.C.s.2601 et seq.), family temporary disability leave benefits
13 under P.L.2008, c.17 (C.43:21-39.1 et al.), the "New Jersey
14 Security and Financial Empowerment Act," P.L.2013, c.82
15 (C.34:11C-1 et seq.), and temporary disability benefits under the
16 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
17 et al.). A disclosure through email or by distribution of paper by
18 mail or in person shall constitute disclosure in writing in accordance
19 with this subsection.

20 b. If an applicant will not be eligible as an employee of the
21 employer for any of the leave or benefits provided for in this
22 section, the employer shall notify the applicant of the applicant's
23 ineligibility for each type of leave or benefit for which the applicant
24 will be ineligible to use as an employee of the employer, and the
25 reason for the applicant's ineligibility. As part of the disclosure
26 required by this section, the employer shall provide information to
27 the applicant on how to access the webpage concerning employee
28 leave and benefits that the Department of Labor and Workforce
29 Development is required to maintain by section 1 of P.L.2015,
30 c.248 (C.34:1A-1.15).

31 c. An employer that fails to provide the information required
32 by this section shall be subject to a civil penalty of not more than
33 \$500 per violation, collectible by the Commissioner of Labor and
34 Workforce Development in a summary proceeding pursuant to the
35 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
36 et seq.). Each failure to disclose the information required by this
37 section to an applicant shall constitute one violation.

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39 2. This act shall take effect on the first day of the second month
40 next following the date of enactment.

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STATEMENT

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45 This bill requires an employer to disclose an applicant's
46 eligibility, or lack thereof, to access and utilize family and disability
47 leave and benefits provided for by State and federal law if the
48 applicant becomes an employee of the employer. The disclosure is

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1 required to be in writing. As part of the disclosure, the bill requires
2 the employer to notify the applicant if the applicant will not be
3 eligible for any of the leave or benefits and provide the reason for
4 the ineligibility. Additionally, under the employer is required to
5 provide information to access an informational webpage maintained
6 by the Department of Labor and Workforce Development
7 concerning leave and benefits. An employer that does not provide
8 the required disclosures and notifications under the bill will be
9 subject to a civil penalty of not more than \$500 for each violation.